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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,311	07/10/2003	Tohru Okada	240236US2X	1865

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EXAMINER	
PARRIES, DRU M	

ART UNIT	PAPER NUMBER
2836	

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/616,311	OKADA, TOHRU	
	Examiner	Art Unit	
	Dru M. Parries	2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☒ Claim(s) *17 and 18* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed May 30, 2006 have been fully considered but they are not persuasive.

2. In response to applicant's argument that Peters et al. is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Peters teaches a solution to a particular problem with which the applicant was concerned. The Examiner would like to point out that the USPTO considers a "problem" to be the difference between the main (base) reference and the claim (i.e. the type of key code; reading means; and a detection means) and Peters teaches those things, therefore solves the particular "problem", and therefore is considered analogous art.

3. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). For example, arguing that Peters doesn't teach a key to start an engine when Weiss teaches that limitation.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-4, 6-9, 11-12 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss et al. (6,794,988) and Peters et al. (4,661,806). Weiss teaches an anti-theft system, which includes a key having a code on the external surface of the key, a reference code stored in the memory means of a vehicle and a controller for allowing a start of the engine when the code is judged to be identical to the reference code. Weiss also teaches operation prohibition means for prohibiting rotation of a key cylinder unless the controller determines, after comparing, that the code matches the reference code. (Col. 3, lines 57-64; Col. 4, lines 7-15) Weiss fails to explicitly teach the type of key code being read from the key, reading means for reading the code by reflective light, and a detection means for detecting the insertion operation of the key. Peters teaches a key having a code for gaining access to a particular apparatus. Peters teaches the key code (542) having portions of different reflectivity to light. He also teaches a code reading means (536) for reading the code including illuminating and capturing an image of the code, and storing the read code in the controller (520). Also, he teaches a key detection switch (522') for detecting the insertion of the key, and actuating the code reading means when insertion is detected (Col. 10, lines 40-47, 55-65; Col. 11, lines 1-3; Fig. 17 & 18). It would have been obvious to one of ordinary skill in the art at the time of the invention to have the key code having portions of different reflectivity to light because no type of key code was previously taught and this type of code is known in the art to work, and also is one of the hardest type of codes to copy. It also would have been obvious to one of ordinary skill in

the art at the time of the invention to have a key detection switch so that the code reader will only be actuated during times of use, and in doing so saving power.

6. Claims 5, 10, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss et al. (6,794,988) and Peters et al. (4,661,806) as applied to claims 1, 2, 7, and 12 above, and further in view of Brown et al. (4,852,680). Weiss and Peters teach an anti-theft system as described above. They fail to teach a report to the outside when a state of prohibiting the start of the engine (i.e. codes don't match) is repeated a predetermined number of times. Brown teaches an anti-theft system for a vehicle comprising a method for when the authorization codes, from the key and from the vehicle, don't match including an audible alarm for the first time they don't match, and an audible alarm plus flashing lights for a second consecutive failed attempt. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement this method into Weiss' invention to increase security and allow notification to others around that their may be a problem (i.e. a theft).

Allowable Subject Matter

7. Claims 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

These claims would be allowable because no prior art of record teaches the motivation to implement a light diffuser into the Weiss/Peters invention.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Scharf et al. (6,105,869) who teaches a light diffuser in between an array of light-emitting diodes and a device window.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dru M. Parries whose telephone number is (571) 272-8542. The examiner can normally be reached on M-Th from 8:00am to 5:00pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus, can be reached on 571-272-2800 x36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DMP

6-19-2006

ROBERT L. DEBERADINIS
PRIMARY EXAMINER